

REMARKS

Applicant continues to present pending claims 30-47 and adds new claim 48.

Applicant discusses the office action (OA) of 12/23/09 and the new claim.

New Supreme Court Case

On pages 2 and 3 of the OA, Examiner rejects claims 30-47 as being directed to non-statutory subject matter, particularly in view of the recent Supreme Court decision in *Bilski* et al. Applicant does not believe that *Bilski* applies and is under the impression that the interpretation and application of *Bilski* are controversial.

Cited Prior Art

On pages 3 and 5 of the OA, Examiner rejects the novelty of claims 30-47 in light of Goldhaber 5,855,008 and Vance 6,267,672. Applicant has previously (for instance, see Applicant's RCE of 8/24/2009) replied to this rejection.

On page 5-6 of the OA, Examiner has added Landesmann (US 2003/0158,776 A1) and Marshall (US 2002/0116266 A1) to the mix.

Applicant does not fully understand Landesmann, but it seems to be directed at obtaining past purchase histories, which means it does not appear to be relevant prior art. See Landesmann:

[0088] Buyer-Driven Targeting

[0089] In the inventor's opinion, and a premise for the present invention, past purchase behavior is by far the best predictor of future purchase behavior for many products and services. It is further the inventor's opinion, and the premise for the present invention that the best way to predict a buyer entity's propensity to become a valuable repeat customer of these products in the future is to look at his past purchase history.

[0090] The inventor's opinion and the premise for the present invention is that without verifying the reliability of a buyer entities' expressions of intent through the use of past purchase histories, any information from the potential buyer becomes less reliable and preferably should not be used to provide some buyer entities with significantly higher rewards and incentives than other potential buyers.

[0091] The present invention provides, in a general aspect, a computer implemented method of facilitating buyer-driver target marketing involving buyer entities and various merchants. It is one of the purposes of the present invention to provide a mechanism for buyer entities to make significant parts of their past histories available to marketers, but with minimal invasion of privacy for the buyer entity....

[0092] The basic function performed by the system and method of the present invention is to allow buyer entities to submit their credit card statements and other records that detail past purchases to an entity that is preferably not affiliated with any particular merchant. Third party marketers/advertisers would then provide search criteria, or have search criteria selected for them, to search the database of past histories and offer highly attractive promotions to the group resulting from that search criteria. The past purchase history records could be supplemented by asking buyer entities questions about their past purchases, with the questions themselves chosen from a database of questions, with the selection of question being based on the purchase record earlier submitted by that buyer entity.

Separately, Marshall's application is directed to tracking attention. Applicant does not think that Marshall's application is relevant to the novelty of Applicant's claimed invention.

New Claim 48

Applicant submits new claim 48 in light of Examiner's objection on page 5 of the OA, 3rd paragraph. Applicant does not necessarily agree with Examiner's comments, but submits the new claim in response to Examiner's objection.

Applicant appreciates Examiner's hard, lengthy work on this application.

Respectfully submitted,



Michael T. Rossides

602-295-4967